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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

FEB 02 1993

REPLY TO THE ATTENTION OF:  
H-73

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Re: General Die Casting, 13700 Mount Elliot Avenue,  
Detroit, Wayne County, Michigan

Dear Sir or Madam:

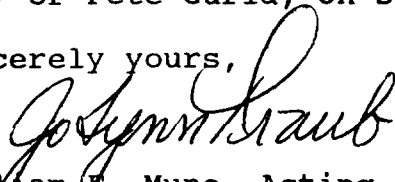
Enclosed please find a unilateral Administrative Order issued by the U.S. Environmental Protection Agency ("U.S. EPA") under Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("CERCLA"), 42 U.S.C. Section 9601, et seq.

Please be advised that this Order supersedes and nullifies Unilateral Administrative Order No. V-W-91-C-109 issued on July 30, 1991, to Respondents Richard E. Shirley, William Aikens, and General Die Casting Company. Please also be advised that with respect to Unilateral Administrative Order No. V-W-91-C-109, paragraph 9 of the Section entitled Findings, at the time that the Order was issued, Jim Sias was a law clerk with EPA rather than an Assistant Regional Counsel.

Please note that the Order allows an opportunity for a conference if requested within 3 business days after issuance of the Order, or if no conference is requested, an opportunity to submit comments within 7 business days of issuance of the Order.

If you have any questions regarding the Order, feel free to contact Mary McAuliffe, Assistant Regional Counsel, at (312) 886-6237 or Pete Guria, On-Scene Coordinator, at (313) 692-7687.

Sincerely yours,

*for*   
William E. Muno, Acting Director  
Waste Management Division

**Enclosure**

**cc: Alan Howard, Chief  
Environmental Response Division  
Michigan Department of Natural Resources  
Stevens T. Mason Building  
P.O. Box 30028  
Lansing, Michigan 48909**

bcc: Tom Pernell, ORC (CS-3T)  
Mary McAuliffe, ORC (CS-3T)  
Peter Guria, OSC (5HSGI)  
J. Cisneros, ESS (HSE-5J)  
Linda Beasley, ESS (HSE-5J)  
Oliver Warnsley, RP-CRU (HSM-5J)  
Toni Lesser, Public Affairs (P-19J) w/out attachments  
Sheila Huff, Department of Interior  
Tony Audia (MF-10J)  
EERB Site File  
EERB Read File

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN THE MATTER OF:

General Die Casting Co.  
13700 Mt. Elliot Avenue  
Detroit, Wayne County, Mich.

Respondents:

General Die Casting Co.  
William Aikens  
Noranda, Inc.

) Docket No. V-W-93-C-179  
)  
)  
) ADMINISTRATIVE ORDER  
) PURSUANT TO SECTION 106(a)  
) OF THE COMPREHENSIVE  
) ENVIRONMENTAL RESPONSE,  
) COMPENSATION AND  
) LIABILITY ACT OF 1980,  
) AS AMENDED, 42 U.S.C.  
) SECTION 9606(a)  
)

**I. JURISDICTION AND GENERAL PROVISIONS**

This Order is issued pursuant to the authority vested in the President of the United States by section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9606(a), and delegated to the Administrator of the United States Environmental Protection Agency ("U.S. EPA") by Executive Order No. 12580, January 23, 1987, 52 Federal Register 2923, and further delegated to the Regional Administrators by U.S. EPA Delegation Nos. 14-14-A and 14-14-B, and to the Director, Waste Management Division, Region V, by Regional Delegation Nos. 14-14-A and 14-14-B.

This Order pertains to property located at 13700 Mount Elliot Avenue, Wayne County, Detroit, Michigan (the "General Die Casting Site" or the "Site"). This Order requires the Respondents to conduct removal activities described herein to abate an imminent and substantial endangerment to the public health, welfare or the environment that may be presented by the actual or threatened release of hazardous substances at or from the Site.

U.S. EPA has notified the State of Michigan of this action pursuant to section 106(a) of CERCLA, 42 U.S.C. § 9606(a).

This Order supersedes and nullifies Unilateral Administrative Order Docket No. V-W-91-C-109 issued July 30, 1991, to Respondents Richard E. Shirley, William Aikens, and General Die Casting Company.

**II. PARTIES BOUND**

This Order applies to and is binding upon Respondents and Respondents' heirs, receivers, trustees, successors and assigns. Any change in ownership or corporate status of Respondents including, but not limited to, any transfer of assets or real or personal property shall not alter such Respondents' responsibilities under this Order. Respondents are jointly and severally liable for carrying out all activities required by this

Order. Compliance or noncompliance by one or more Respondents with any provision of this Order shall not excuse or justify noncompliance by any other Respondent.

Respondents shall ensure that their contractors, subcontractors, and representatives comply with this Order. Respondents shall be responsible for any noncompliance.

### **III. FINDINGS OF FACT**

Based on available information, including the Administrative Record in this matter, U.S. EPA hereby finds that:

1. The General Die Casting Company Site (Facility) is located at 13700 Mount Elliot Avenue, in the City of Detroit, Wayne County, Michigan. The Facility is bordered to the north and south by industrial businesses, to the east by the Consolidated Rail Corporation (CONRAIL) railroad tracks, and to the west by Mt. Elliot Avenue.
2. The Facility is situated in an urban residential and light industrial area and consists of a 21,250 square feet building located on 0.6 acres. In 1990, the population of Detroit, Michigan, was 1,027,974 (according to the U.S. Bureau of the Census). Population within one square block of the Facility is approximately 1,000.
3. The property and building located at 13700 Mt. Elliot Avenue was initially operated by the Wolverine Die Casting Corporation from the mid-1950's until 1970.
4. Wolverine Die Casting, an indirect subsidiary of Noranda, Inc., leased the Facility and operated it as a zinc die casting business from May 1, 1966, until March 31, 1970. In July 1970, the Facility was sold to the General Die Casting Company.
5. General Die Casting manufactured and/or electroplated zinc die castings at the Facility from August 1970 until its closure in December 1988. In January 1989, the Facility was sold to William R. Aikens, designated in the sale agreement as "an agent for a corporation to be named at a later date."
6. A level I environmental assessment was conducted on August 31, 1988, by the Toxico Corporation (Toxico) of Southfield, Michigan, on behalf of General Die Casting Company. The Toxico assessment recommended that additional sampling be conducted to evaluate the extent of contamination of the impacted portion of the property on the south side of the Facility, which is owned by the Central Steel and Wire Company (CS&W). Follow up sampling was conducted by Toxico on September 19, 1988, and the analytical report dated January 24, 1989, revealed the presence of polynuclear aromatic

hydrocarbons (PNAs). According to Toxico, cyanide and sulfide analysis was not performed on the soil samples collected because Toxico was informed that the contamination was thought to have resulted from seepage of cutting oil through the concrete wall and floor of the building.

7. CS&W hired Gabriel Laboratories, Ltd., Chicago, Illinois, to conduct an independent assessment of the property on July 25, 1989. Analytical results of surface soil samples collected from the area south of the Facility were reported on September 8, 1989, and indicated the presence of PNAs and heavy metals.
8. On July 5, 1990, Toxico submitted a draft workplan to the Michigan Department of Natural Resources Emergency Response Division (MDNR-ERD), Livonia, Michigan office, for soil remediation of the area south of the Facility. The workplan was approved by the MDNR based on information provided by Toxico indicating that the only contamination at the Facility was PNAs. Toxico excavated the contaminated soil south of the Facility beginning on or before July 26, 1990.
9. Gabriel Laboratories collected soil and surface water samples during Toxico's excavation of contaminated soil on July 26, 1990. Analytical results revealed cyanide levels ranging from 75-1700 milligrams per liter (mg/l) in ponded surface water, and between 0.43-250 milligrams per kilogram (mg/kg) in the soil from the area of excavation. Analysis of additional samples collected from the excavated area by Gabriel Laboratories between August 8 and August 10, 1990, revealed cyanide levels ranging from 1673 mg/kg to 12 mg/kg.
10. On August 11, 1990, soil and surface water samples were collected by the MDNR to confirm Gabriel Laboratories' July 26, 1990, soil and water sample results. Analytical results indicated cyanide levels ranging from 87 to 220 mg/kg in the soil, and 755 mg/l in ponded surface water within the excavated area. Additionally, levels of nickel, copper, and zinc were also present in the soil samples.
11. The MDNR-ERD, in a letter dated November 27, 1990, denied the General Die Casting Company's clean closure request submitted on October 15, 1990. The MDNR directed General Die Casting Company to conduct additional investigative and corrective actions to determine the extent of contamination in soil and groundwater throughout the entire Facility, determine the contamination impact on adjacent property owners, address any contamination present, and submit a remedial action plan to achieve appropriate clean up criteria.
12. General Notice letters and Information Requests were issued to Richard Shirley, Julian Van Steenkiste, President of General Die Casting, William Aikens, and Wolverine Die Casting on January 15, 1991. Respondent William Aikens did not respond

to the Notice letter or the Information Requests, and a subsequent follow-up letter was issued on July 17, 1991.

13. On January 20, 1991, contractors for the U.S. EPA, the Technical Assistance Team (TAT) conducted a site assessment of the Facility to evaluate threats posed to human health and the environment at the Facility. The TAT observed approximately twenty-two (22) drums of corrosive and plating treatment waste suspected of containing heavy metals and cyanide. Air monitoring conducted with an organic vapor analyzer (OVA) revealed organic vapors between twenty (20) and thirty (30) parts per million (ppm) above normal background levels. The TAT observed personnel working in the building without the appropriate respiratory protection, removing equipment and tracking suspected plating waste residue outside. The TAT advised personnel that conditions at the Facility posed potential threats to their health; however, personnel remained in the building for the duration of the assessment. The floor of the plating waste treatment portion of the Facility was covered with two (2) to three (3) inches of light green crystalline material inside the diked containment area. The TAT also observed that contaminated soil on the south side of the building had been excavated and removed from the Facility.
14. On May 3, 1991, the TAT visited the Facility. During this inspection, air monitoring of the building showed no readings above normal background concentrations; however, the TAT noted that the twenty-two (22) drums identified during the previous site assessment had been removed. The waste treatment tanks and plating vats remained at the Facility, still containing significant amounts of material. Most of the light green crystalline material observed previously in the diked area of the waste treatment portion of the Facility had also been removed. The area south of the Facility was backfilled and access restricted by a chain link fence. Information regarding the removal of the treatment area sludge has not been made available to the U.S. EPA at this time.
15. Based upon the site assessments and the failure of the recipients of the General Notice letters to offer to perform the necessary response actions, on July 30, 1991, a Unilateral Administrative Order Docket No. V-W-91-C-109 ("UAO") requiring performance of an emergency response action was issued to William Aikens, Spartan Metal Finishing, and Richard Shirley of General Die Casting. A conference between Respondent Shirley and U.S. EPA was held shortly thereafter.
16. On January 13, 1992, a Notice Letter was issued to Noranda Mines, Ltd., identifying Noranda Mines, Ltd., as a responsible party at the General Die Casting site.
17. On January 28, 1992, a representative of CS&W, bordering the Facility to the north, contacted the U.S. EPA Emergency and

Enforcement Response Branch (EERB), Grosse Ile, Michigan, office to report that an unknown liquid was being released from the Facility, and stated the material was flowing from the northwest wall of the Facility, across the area that had previously been identified as containing cyanide in the soil. The On-Scene Coordinator (OSC) and the TAT responded to the situation and found that the eight inch fire main had ruptured and flooded the northwest portion of the building. The OSC observed water flowing from the north wall of the building and migrating across the CS&W property before entering the sewer system on Mt. Elliot Avenue. The City of Detroit Water and Sewer Department shut off the water main leading to the building. The TAT and the OSC then conducted a quick inspection of the remainder of the Facility and determined that a site re-assessment and sampling of tanks, vats, and floors would be needed to document current site conditions.

18. On February 10, 1992, the TAT and OSC conducted a re-assessment of site conditions at the Facility. The TAT and OSC reported that evidence of trespassing and vandalism were observed in several areas of the building. Eleven (11) tanks of plating waste were observed in the eastern portion of the building. Crystalline solids were observed on the floor and walls surrounding the tanks. Analytical results of samples collected from the tanks, floors, and collection sumps revealed elevated levels of heavy metals and extremely elevated levels of cyanide (greater than 600,000 ppm). Several of the tanks containing liquid wastes indicated low pH values, and high concentrations of chromium, a corrosive waste water commonly associated with plating operations. A number of vats containing solid material was also observed in various locations throughout the abandoned Facility. Two tanks containing strong acids have been observed next to the cyanide bearing floor material. Had a release of acid occurred from these tanks into the reactive cyanide floor material, toxic hydrogen cyanide gas could have been generated which could cause death within one (1) hour of exposure if concentrations are greater than or equal to 100 parts per million. A cloud of this gas might not have been contained by the Facility and might be released to the surrounding area, and might have resulted in exposure to the human and animal population in close proximity to the Facility.
19. As the Respondents to the UAO had not complied with the UAO, U.S. EPA contacted the PRPs, and advised them that, due to the information gathered during the February 10, 1992, site assessment, emergency response activities were required immediately. The PRPs did not agree to perform the necessary response actions set forth in the UAO.
20. On March 13, 1992, U.S. EPA notified the PRPs that U.S. EPA was preparing to begin its response action. U.S. EPA then commenced emergency removal activities to stabilize the



threats posed by tanks containing acid liquid and cyanide bearing solid materials.

21. On March 19, 1992, a meeting between Richard Shirley, Mr. Shirley's counsel Eric Linden, Esquire, William Aikens, David Nash, Esquire, counsel for Norandex, Inc., and representatives from Central Steel & Wire was held to discuss cleanup activities undertaken by U.S. EPA at the site. During that meeting, the PRPs indicated a desire to negotiate a consent order, and asked U.S. EPA to cease its response actions at a point at which it would be safe and convenient for the PRPs to take over the response action.
22. On March 21, 1992, one-thousand four hundred sixty (1,460) gallons of acid liquids were transported off-site for treatment and disposal. The remaining sludge was removed and placed in poly drums and staged on-site. Personal protective equipment (PPE) and Poly vinyl chloride (PVC) pipe debris which could not be decontaminated was loaded into a roll-off box along with other contaminated debris. All solid materials from the vat, floor, and floor sump were containerized into forty-three (43) drums and staged on-site. Four thousand seven-hundred sixty-nine (4,769) gallons of tank base/neutral liquids were transported off-site for treatment and disposal. Approximately six-hundred (600) gallons of sludge was consolidated into one tank and left on-site. The emptied tanks and building flooring were decontaminated with a liquid solution. All access points to the building were secured and stabilization activities were completed on March 26, 1992. U.S. EPA ceased work at the site based upon the PRPs' offer to negotiate a consent order after the hazardous substances in tanks and containers within the building had been containerized and secured.
23. U.S. EPA subsequently prepared a draft Administrative Order by Consent ("AOC") for Respondents William Aikens, General Die Casting Co., and Noranda Mines Ltd., and sent a copy of the draft to each PRP on May 15, 1992.
24. On May 18, 1992, U.S. EPA received a call that transformers at the General Die Casting site had been vandalized. U.S. EPA went to the site, and discovered that vandals had opened three transformers. Oil laced with PCBs was flowing from one transformer down the driveway separating the General Die Casting property and Gallagher Kaiser (property adjacent to the north of General Die Casting) property, and was draining into the Detroit sewer system. On May 18 and 19, 1992, U.S. EPA mobilized to sample, remove, and containerize the spilled and remaining transformer oils. The transformer oils were pumped into an empty clean tank and secured inside the building.

25. On June 12, 1992, representatives of U.S. EPA and the PRPs met in Grosse Ile, Michigan, to discuss the draft AOC. U.S. EPA asked the PRPs to commit to pay all past costs of the response action; to pay all oversight costs involved in overseeing the performance of the response action; to arrange for disposal of all containerized materials at the General Die Casting site; to characterize the soils beneath the General Die Casting building; and to characterize and remediate the soils to the south and east of the General Die Casting building. The PRPs agreed to remove the remaining on-site waste and remove or render unusable all containers on site; perform an extent of contamination study on the soils to the south and east of the building; and perform an extent of contamination study on the interior floor and underlying soils of the building. The PRPs could not agree to enter into an agreement to characterize and remediate the soils to the south and east of the General Die Casting building. In addition, the meeting did not resolve any of the issues associated with payment of past costs or future oversight costs.
26. A subsequent conference call between U.S. EPA and the PRPs was held on June 15, 1992. The PRPs renewed the offer made at the meeting in Grosse Ile, Michigan, on June 12, 1992, but advised U.S. EPA that they could not commit to remediating the soils to the south and east of the General Die Casting building. U.S. EPA stated that it would contact the responsible parties on June 16, 1992, to advise the parties of U.S. EPA's determination regarding the PRPs' final offer. On June 16 and 17, 1992, U.S. EPA advised the PRPs that U.S. EPA was declining the PRPs' offer to perform a portion of the response action, and that U.S. EPA was considering its enforcement options.
27. On June 22, 1992, U.S. EPA was advised that representatives of the PRPs went to the General Die Casting Facility and obtained samples of the hazardous substances present within the General Die Casting building without authorization or approval of U.S. EPA.
28. By letter dated June 25, 1992, counsel for William Aikens advised U.S. EPA that Spartan Metal, General Die Casting, and Norandex would, "...advise U.S. EPA prior to scheduling any removal activity at the site." It appears that the Respondents were preparing to conduct an unauthorized response action without entering into a consent agreement with provisions including having U.S. EPA conduct oversight of any response actions performed by responsible parties. Such unauthorized actions taken by the responsible parties might create a release or threat of release to the environment.
29. Respondent General Die Casting Company advised U.S. EPA that it might be willing to enter into a consent agreement with U.S. EPA to perform some of the response action tasks deemed

necessary by U.S. EPA. U.S. EPA and General Die Casting Company then entered into negotiations regarding the consent agreement that ended on January 8, 1993. These negotiations did not result in a consent agreement between General Die Casting Company and U.S. EPA.

#### **IV. CONCLUSIONS OF LAW AND DETERMINATIONS**

Based on the Findings of Fact set forth above, and the Administrative Record supporting these removal actions, U.S. EPA determines that:

1. The General Die Casting Site is a "facility" as defined by section 101(9) of CERCLA, 42 U.S.C. § 9601(9).
2. Cyanide, cadmium, chromium, lead and selenium are "hazardous substances" as defined by section 101(14) of CERCLA, 42 U.S.C. § 9601(14).
3. Each Respondent is a "person" as defined by section 101(21) of CERCLA, 42 U.S.C. § 9601(21).
4. General Die Casting Company is the present owner and a former operator of the General Die Casting Company Site, and/or arranged for disposal or transport for disposal of hazardous substances at the General Die Casting Site. Noranda, Inc., is a past owner and/or operator of the General Die Casting Company site, and/or arranged for disposal or transport for disposal of hazardous substances at the General Die Casting Company site. William Aikens arranged for disposal or transport for disposal of hazardous substances at the General Die Casting Company Site. Respondents are therefore liable persons under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).
5. The conditions described in the Findings of Fact above constitute an actual or threatened "release" into the "environment" as defined by Sections 101(8) and (22) of CERCLA, 42 U.S.C. §§ 9601(8) and (22).
6. The conditions present at the Site constitute a threat to public health, welfare, or the environment based upon the factors set forth in section 300.415(b)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan, as amended ("NCP"), 40 CFR Part 300. These factors include, but are not limited to, the following:
  - a. actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances, pollutants or contaminants (40 CFR Section 300.415(b)(2)(i));

This factor was present at the Site due to the presence of reactive and corrosive solids and liquids found throughout the building.

Analytical results of solid and liquid samples collected from tanks, floor, and floor collection sumps revealed the presence of cyanide at levels above 600,000 ppm and strong acids with pH values of less than 1.0. The tanks containing acids and a high concentration of chromium exhibit the characteristic of corrosivity under the Resource Conservation and Recovery Act, as amended (RCRA) (see 40 C.F.R. Section 261.22), and are a listed waste under RCRA (see 40 C.F.R. Section 261.31 (F006)). The cyanide solids exhibit the characteristic of reactivity under RCRA (see 40 C.F.R. Section 261.23). Two tanks containing strong acids were observed next to the cyanide bearing floor material. If a release of acid had occurred from these tanks into the reactive cyanide floor material, toxic hydrogen cyanide gas could have been generated. A cloud of this gas might not have been contained by the Facility and could have been released to the surrounding area exposing the nearby human and animal populations. The permissible exposure limit (8 hour time weighted average) for cyanide is 5 mg/l. The level of cyanide that is immediately dangerous to life and health is 50 mg/l (50 parts per million (ppm)). If unauthorized access to the Facility had continued, the corrosive nature of the acid and base liquids presented a direct contact threat. During the site visit, workers were observed moving in and out of the building without protective clothing. Ambient air readings obtained using an organic vapor analyzer (OVA) were above those requiring persons to wear level "B" protection in some areas of the building.

In March 1992, U.S. EPA undertook stabilization activities at the General Die Casting Site. Contents of the tanks, acid and base liquids, were properly transported and disposed of at an approved RCRA treatment and disposal facility. The containerized reactive and corrosive solid, semi-solid acid material, and base-neutral liquids and semi-solids remain on-site and await characterization and disposal at an approved RCRA facility.

- b. hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release (40 CFR Section 300.415(b)(2)(iii));

This factor was present at the Site due to the existence of tanks containing acid and base liquids. Approximately 900 gallons were documented with pH values of less than 1.0, indicating the presence of a characteristic corrosive waste under RCRA (see 40 C.F.R. Section 261.24). In March 1992, U.S. EPA undertook stabilization activities at the Facility including containerizing reactive and corrosive solids, semi-solid acid material, and base-neutral solid materials into drums. The rapidly deteriorating roof has collapsed in several areas of the building, and continued deterioration of the building and roof could result in a compromise of the tanks' and drums' integrity and release of their contents. Damaged dikes surrounding the waste treatment area, cracked cinder block walls, and cracked and broken concrete floor would not contain a release of the tanks' and drums' contents. Trespass and vandalism

have also been observed within the Facility. Unrestricted access by vandals increases the potential for a release of material from the tanks. In addition, there were a large number of tanks and drums in the building which contained what appeared to be plating waste water. These containers may have contained cyanide or heavy metals and were removed from the Facility prior to U.S. EPA's stabilization activities.

- c. high levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate (40 CFR Section 300.415(b)(2)(iv));

This factor is present at the Site due to the concentrations of heavy metals and cyanide in the soil south of the Facility. Analytical results provided by the MDNR and Gabriel Laboratories have documented significant levels of nickel, copper, and zinc present in the soil south of the building. These metals are commonly utilized in the process of plating zinc die castings. Analytical results have also revealed cyanide levels in the soil at 250 mg/kg. Ponded surface water found in this area has also indicated cyanide levels ranging between 75 to 1700 mg/l. There are no controls for surface water runoff and during periods of increased precipitation contaminants would be allowed to migrate further off site.

- d. weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released (40 CFR Section 300.415(b)(2)(v));

This factor is present at the Site due to the continued deterioration of the building by the natural elements. The building has been abandoned since 1988 and has deteriorated rapidly. The roof has collapsed in several areas of the building and large holes have been created through removal of ventilation equipment allowing precipitation to enter. Water entering through the roof has been observed migrating through cracks in the concrete floor and walls. Periods of heavy precipitation could also allow contaminants present in the soil to the south of the Facility to continue to migrate off site.

- 7. The actual or threatened release of hazardous substances from the Site may present an imminent and substantial endangerment to the public health, welfare, or the environment within the meaning of section 106(a) of CERCLA, 42 U.S.C. § 9606(a).
- 8. The removal actions required by this Order are necessary to protect the public health, welfare, or the environment, and are not inconsistent with the NCP and CERCLA.

## V. ORDER

Based upon the foregoing Findings of Fact, Conclusions of Law, Determinations, and the Administrative Record for this Site, U.S. EPA hereby orders that Respondents perform the following actions:

### 1. Notice of Intent to Comply

Respondents shall notify U.S. EPA in writing within 3 business days after the effective date of this Order of Respondents' irrevocable intent to comply with this Order. Failure of each Respondent to provide such notification within this time period shall be a violation of this Order.

### 2. Designation of Contractor, Project Coordinator, and On-Scene Coordinator

Respondents shall perform the removal actions themselves or retain a contractor to implement the removal actions. Respondents shall notify U.S. EPA of Respondents' qualifications or the name and qualifications of such contractor, whichever is applicable, within 5 business days of the effective date of this Order. Respondents shall also notify U.S. EPA of the name and qualifications of any other contractors or subcontractors retained to perform work under this Order at least 5 business days prior to commencement of such work. U.S. EPA retains the right to disapprove of the Respondents or any of the contractors and/or subcontractors retained by the Respondents. If U.S. EPA disapproves a selected contractor, Respondents shall retain a different contractor within 2 business days following U.S. EPA's disapproval and shall notify U.S. EPA of that contractor's name and qualifications within 3 business days of U.S. EPA's disapproval.

Within 5 business days after the effective date of this Order, the Respondents shall designate a Project Coordinator who shall be responsible for administration of all the Respondents' actions required by the Order and submit the designated coordinator's name, address, telephone number, and qualifications to U.S. EPA. To the greatest extent possible, the Project Coordinator shall be present on site or readily available during site work. U.S. EPA retains the right to disapprove of any Project Coordinator named by the Respondents. If U.S. EPA disapproves a selected Project Coordinator, Respondents shall retain a different Project Coordinator within 3 business days following U.S. EPA's disapproval and shall notify U.S. EPA of that person's name and qualifications within 4 business days of U.S. EPA's disapproval. Receipt by Respondents' Project Coordinator of any notice or communication from U.S. EPA relating to this Order shall constitute receipt by all Respondents.

U.S. EPA has designated Peter Guria of the Emergency and Enforcement Response Branch, Region V, as its On-Scene Coordinator (OSC). Respondents shall direct all submissions required by this Order to the OSC at U.S. EPA, Response Section I-HS-GI, 9311 Groh Road, Grosse Ile, Michigan, 48138, by certified or express mail. Respondents shall also send a copy of all submissions to Mary McAuliffe, Assistant Regional Counsel, 77 West Jackson Blvd., Chicago, Illinois, 60604-3590.

### 3. Work to Be Performed

Respondents shall perform, at a minimum, the following response activities:

- a. Develop and implement site safety and security measures;
- b. Develop and implement an air monitoring program for hydrogen cyanide vapor during site activities;
- c. Sample, identify, and dispose of all liquids and sludge found in tanks, vats, and floor sumps;
- d. Remove, containerize, stage, sample, identify and dispose of all floor, vat, and floor sump solid material;
- e. Stage, sample, identify, overpack if necessary, and dispose of all drum and small laboratory chemical containers found at the Facility;
- f. Conduct a sampling program to characterize the type and extent of soil and groundwater contamination directly beneath and to the south of the Facility. Remediate all affected areas identified, and conduct post cleanup sampling to verify that all contaminated soil and groundwater has been remediated to cleanup levels as specified by the OSC; and
- g. Transport and dispose of all characterized or identified hazardous substances, pollutants, wastes, or contaminants at a RCRA/CERCLA approved disposal facility in accordance with the U.S. EPA off-site policy.

#### 3.1 Work Plan and Implementation

Within 10 business days after the effective date of this Order, the Respondents shall submit to U.S. EPA for approval a draft Work Plan for performing the removal activities set forth above. The draft Work Plan shall provide a description of, and an expeditious schedule for, the activities required by this Order.

U.S. EPA may approve, disapprove, require revisions to, or modify the draft Work Plan. If U.S. EPA requires revisions, Respondents shall submit a revised draft Work Plan within 7 business days of notification. Respondents shall implement the Work Plan as finally approved in writing by U.S. EPA in accordance with the schedule approved by U.S. EPA. Once approved, or approved with modifications, the Work Plan, the schedule, and any subsequent modifications shall be fully enforceable under this Order. Respondents shall notify U.S. EPA at least 48 hours prior to performing any on-site work pursuant to the U.S. EPA approved work plan.

Respondents shall not commence or undertake any removal actions at the Site without prior U.S. EPA approval.

### 3.2 Health and Safety Plan

Within 10 business days after the effective date of this Order, the Respondents shall submit a plan for U.S. EPA review and comment that ensures the protection of the public health and safety during performance of on-site work under this Order. This plan shall comply with applicable Occupational Safety and Health Administration (OSHA) regulations found at 29 CFR Part 1910. If U.S. EPA determines it is appropriate, the plan shall also include contingency planning. Respondents shall incorporate all changes to the plan recommended by U.S. EPA, and implement the plan during the pendency of the removal action.

### 3.3 Quality Assurance and Sampling

All sampling and analyses performed pursuant to this Order shall conform to U.S. EPA direction, approval, and guidance regarding sampling, quality assurance/quality control (QA/QC), data validation, and chain of custody procedures. Respondents shall ensure that the laboratory used to perform the analyses participates in a QA/QC program that complies with U.S. EPA guidance. Upon request by U.S. EPA, Respondents shall have such a laboratory analyze samples submitted by U.S. EPA for quality assurance monitoring. Respondents shall provide to U.S. EPA the quality assurance/quality control procedures followed by all sampling teams and laboratories performing data collection and/or analysis.

Upon request by U.S. EPA, Respondents shall allow U.S. EPA or its authorized representatives to take split and/or duplicate samples of any samples collected by Respondents or their contractors or agents while performing work under this Order. Respondents shall notify U.S. EPA not less than 3 business days in advance of any sample collection activity. U.S. EPA shall have the right to take any additional samples that it deems necessary.



### 3.4 Reporting

Respondents shall submit a monthly written progress report to U.S. EPA concerning activities undertaken pursuant to this Order, beginning 30 calendar days after the date of U.S. EPA's approval of the Work Plan, until termination of this Order, unless otherwise directed by the OSC. These reports shall describe all significant developments during the preceding period, including the work performed and any problems encountered, analytical data received during the reporting period, and developments anticipated during the next reporting period, including a schedule of work to be performed, anticipated problems, and planned resolutions of past or anticipated problems.

Any Respondent that owns any portion of the Site, and any successor in title shall, at least 30 days prior to the conveyance of any interest in real property at the Site, give written notice of this Order to the transferee and written notice of the proposed conveyance to U.S. EPA and the State. The notice to U.S. EPA and the State shall include the name and address of the transferee. The party conveying such an interest shall require that the transferee will provide access as described in Section V.4 (Access to Property and Information).

### 3.5 Final Report

Within 60 calendar days after completion of all removal actions required under this Order, the Respondents shall submit for U.S. EPA review a final report summarizing the actions taken to comply with this Order. The final report shall conform to the requirements set forth in section 300.165 of the NCP. The final report shall also include a good faith estimate of total costs incurred in complying with the Order, a listing of quantities and types of materials removed, a discussion of removal and disposal options considered for those materials, a listing of the ultimate destinations of those materials, a presentation of the analytical results of all sampling and analyses performed, and accompanying appendices containing all relevant documentation generated during the removal action (e.g., manifests, invoices, bills, contracts, and permits).

The final report shall also include the following certification signed by a person who supervised or directed the preparation of that report:

Under penalty of law, I certify that, to the best of my knowledge, after appropriate inquiries of all relevant persons involved in the preparation of this report, the information submitted is true, accurate, and complete.

#### 4. Access to Property and Information

Respondents shall provide or obtain access as necessary to the Site and all appropriate off-site areas, and shall provide access to all records and documentation related to the conditions at the Site and the activities conducted pursuant to this Order. Such access shall be provided to U.S. EPA employees, contractors, agents, consultants, designees, representatives, and State of Michigan representatives. These individuals shall be permitted to move freely at the Site and appropriate off-site areas in order to conduct activities which U.S. EPA determines to be necessary. Respondents shall submit to U.S. EPA, upon request, the results of all sampling or tests and all other data generated by Respondents or their contractors, or on the Respondents' behalf during implementation of this Order.

Where work under this Order is to be performed in areas owned by or in possession of someone other than Respondents, Respondents shall obtain all necessary access agreements within 14 calendar days after the effective date of this Order, or as otherwise specified in writing by the OSC. Respondents shall immediately notify U.S. EPA if, after using their best efforts, they are unable to obtain such agreements. Respondents shall describe in writing their efforts to obtain access. U.S. EPA may then assist Respondents in gaining access, to the extent necessary to effectuate the response activities described herein, using such means as U.S. EPA deems appropriate.

#### 5. Record Retention, Documentation, Availability of Information

Respondents shall preserve all documents and information relating to work performed under this Order, or relating to the hazardous substances found on or released from the Site, for six years following completion of the removal actions required by this Order. At the end of this six year period and at least 60 days before any document or information is destroyed, Respondents shall notify U.S. EPA that such documents and information are available to U.S. EPA for inspection, and upon request, shall provide the originals or copies of such documents and information to U.S. EPA. In addition, Respondents shall provide documents and information retained under this Section at any time before expiration of the six year period at the written request of U.S. EPA.

#### 6. Off-Site Shipments

All hazardous substances, pollutants or contaminants removed off-site pursuant to this Order for treatment, storage or disposal shall be treated, stored, or disposed of at a facility in compliance, as determined by U.S. EPA, with the U.S. EPA Revised Off-Site Policy, OSWER Directive Number 9834.11, November 13, 1987, promulgated pursuant to 42 U.S.C. § 9621(d)(3).

## **7. Compliance With Other Laws**

All actions required pursuant to this Order shall be performed in accordance with all applicable local, state, and federal laws and regulations except as provided in CERCLA section 121(e) and 40 CFR section 300.415(i). In accordance with 40 CFR section 300.415(i), all on-site actions required pursuant to this Order shall, to the extent practicable, as determined by U.S. EPA, considering the exigencies of the situation, attain applicable or relevant and appropriate requirements under federal environmental or state environmental or facility siting laws.

## **8. Emergency Response and Notification of Releases**

If any incident, or change in Site conditions, during the activities conducted pursuant to this Order causes or threatens to cause an additional release of hazardous substances from the Site or an endangerment to the public health, welfare, or the environment, the Respondents shall immediately take all appropriate action to prevent, abate or minimize such release, or endangerment caused or threatened by the release. Respondents shall also immediately notify the OSC or, in the event of his/her unavailability, shall notify the Regional Duty Officer, Emergency and Enforcement Response Branch, Region V at (312) 353-2318, of the incident or Site conditions.

Respondents shall submit a written report to U.S. EPA within 7 business days after each release, setting forth the events that occurred and the measures taken or to be taken to mitigate any release or endangerment caused or threatened by the release and to prevent the reoccurrence of such a release. Respondents shall also comply with any other notification requirements, including those in CERCLA section 103, 42 U.S.C. § 9603, and section 304 of the Emergency Planning and Community Right-To-Know Act, 42 U.S.C. § 11004.

## **VI. AUTHORITY OF THE U.S. EPA ON-SCENE COORDINATOR**

The OSC shall be responsible for overseeing the implementation of this Order. The OSC shall have the authority vested in an OSC by the NCP, including the authority to halt, conduct, or direct any work required by this Order, or to direct any other response action undertaken by U.S. EPA or Respondents at the Site. Absence of the OSC from the Site shall not be cause for stoppage of work unless specifically directed by the OSC.

U.S. EPA and Respondents shall have the right to change their designated OSC or Project Coordinator. U.S. EPA shall notify the Respondents, and Respondents shall notify U.S. EPA, as early as possible before such a change is made, but in no case less than 24

hours before such a change. Notification may initially be made orally, but shall be followed promptly by written notice.

#### **VII. PENALTIES FOR NONCOMPLIANCE**

Violation of any provision of this Order may subject Respondents to civil penalties of up to \$25,000 per violation per day, as provided in section 106(b)(1) of CERCLA, 42 U.S.C. § 9606(b)(1). Respondents may also be subject to punitive damages in an amount up to three times the amount of any cost incurred by the United States as a result of such violation, as provided in section 107(c)(3) of CERCLA, 42 U.S.C. § 9607(c)(3). Should Respondents violate this Order or any portion hereof, U.S. EPA may carry out the required actions unilaterally, pursuant to section 104 of CERCLA, 42 U.S.C. § 9604, and/or may seek judicial enforcement of this Order pursuant to section 106 of CERCLA, 42 U.S.C. § 9606.

#### **VIII. REIMBURSEMENT OF COSTS**

Respondents shall reimburse U.S. EPA, upon written demand, for all response costs not inconsistent with the NCP, incurred by the United States in overseeing Respondents' implementation of the requirements of this Order. U.S. EPA may submit to Respondents on a periodic basis a bill for all response costs incurred by the United States with respect to this Order. U.S. EPA's Itemized Cost Summary, or such other summary as certified by U.S. EPA, shall serve as the basis for payment.

Respondents shall, within 30 days of receipt of the bill, remit a cashier's or certified check for the amount of those costs made payable to the "Hazardous Substance Superfund," to the following address:

U.S. Environmental Protection Agency  
Superfund Accounting  
P.O. Box 70753  
Chicago, Illinois 60673

Respondents shall simultaneously transmit a copy of the check to the Director, Waste Management Division, U.S. EPA Region V, 77 West Jackson Blvd., Chicago, Illinois, 60604-3590. Payments shall be designated as "Response Costs - General Die Casting Site" and shall reference the payors' name and address, the U.S. EPA site identification number (LQ), and the docket number of this Order.

Interest at a rate established by the Department of the Treasury pursuant to 31 U.S.C. § 3717 and 4 CFR § 102.13 shall begin to accrue on the unpaid balance from the day after the expiration of the 30 day period notwithstanding any dispute or an objection to any portion of the costs.

### **IX. RESERVATION OF RIGHTS**

Nothing herein shall limit the power and authority of U.S. EPA or the United States to take, direct, or order all actions necessary to protect public health, welfare, or the environment or to prevent, abate, or minimize an actual or threatened release of hazardous substances, pollutants or contaminants, or hazardous or solid waste on, at, or from the Site. Further, nothing herein shall prevent U.S. EPA from seeking legal or equitable relief to enforce the terms of this Order. U.S. EPA also reserves the right to take any other legal or equitable action as it deems appropriate and necessary, or to require the Respondents in the future to perform additional activities pursuant to CERCLA or any other applicable law.

### **X. OTHER CLAIMS**

By issuance of this Order, the United States and U.S. EPA assume no liability for injuries or damages to persons or property resulting from any acts or omissions of Respondents. The United States or U.S. EPA shall not be a party or be held out as a party to any contract entered into by the Respondents or their directors, officers, employees, agents, successors, representatives, assigns, contractors, or consultants in carrying out activities pursuant to this Order.

This Order does not constitute a pre-authorization of funds under section 111(a)(2) of CERCLA, 42 U.S.C. § 9611(a)(2).

Nothing in this Order constitutes a satisfaction of or release from any claim or cause of action against the Respondents or any person not a party to this Order, for any liability such person may have under CERCLA, other statutes, or the common law, including but not limited to any claims of the United States for costs, damages and interest under sections 106(a) or 107(a) of CERCLA, 42 U.S.C. §§ 9606(a), 9607(a).

### **XI. MODIFICATIONS**

Modifications to any plan or schedule may be made in writing by the OSC or at the OSC's oral direction. If the OSC makes an oral modification, it will be memorialized in writing within 7 business days; however, the effective date of the modification shall be the date of the OSC's oral direction. The rest of the Order, or any other portion of the Order, may only be modified in writing by signature of the Director, Waste Management Division, Region V.

If Respondents seek permission to deviate from any approved plan or schedule, Respondents' Project Coordinator shall submit a written request to U.S. EPA for approval outlining the proposed modification and its basis.

No informal advice, guidance, suggestion, or comment by U.S. EPA regarding reports, plans, specifications, schedules, or any other writing submitted by the Respondents shall relieve Respondents of their obligations to obtain such formal approval as may be required by this Order, and to comply with all requirements of this Order unless it is formally modified.

#### **XII. NOTICE OF COMPLETION**

When U.S. EPA determines, after U.S. EPA's review of the Final Report, that all work has been fully performed in accordance with this Order, except for certain continuing obligations required by this Order (e.g., record retention), U.S. EPA will provide notice to the Respondents. If U.S. EPA determines that any removal activities have not been completed in accordance with this Order, U.S. EPA will notify the Respondents, provide a list of the deficiencies, and require that Respondents modify the Work Plan to correct such deficiencies. The Respondents shall implement the modified and approved Work Plan and shall submit a modified Final Report in accordance with the U.S. EPA notice. Failure to implement the approved modified Work Plan shall be a violation of this Order.

#### **XIII. ACCESS TO ADMINISTRATIVE RECORD**

The Administrative Record supporting these removal actions is available for review during normal business hours in the U.S. EPA Office of Regional Counsel, Region V, 111 W. Jackson Blvd., Third Floor, Chicago, Illinois. Respondents may contact Mary McAuliffe, Assistant Regional Counsel, at (312) 886-6237 to review the Administrative Record. An index of the Administrative Record is attached to this Order.

#### **XIV. OPPORTUNITY TO CONFER**

Within 3 business days after issuance of this Order, Respondents may request a conference with U.S. EPA. Any such conference shall be held within 5 business days from the date of the request, unless extended by agreement of the parties. At any conference held pursuant to the request, Respondents may appear in person or be represented by an attorney or other representative.

If a conference is held, Respondents may present any information, arguments or comments regarding this Order. Regardless of whether a conference is held, Respondents may submit any information, arguments or comments in writing to U.S. EPA within 2 business days following the conference, or within 7 business days of issuance of the Order if no conference is requested. This conference is not an evidentiary hearing, does not constitute a proceeding to challenge this Order, and does not give Respondents a right to seek review of this Order. Requests for a conference shall be directed to Mary McAuliffe, Assistant Regional Counsel, at (312) 886-6237.

Written submittals shall be directed as specified in Section V.2 of this Order.

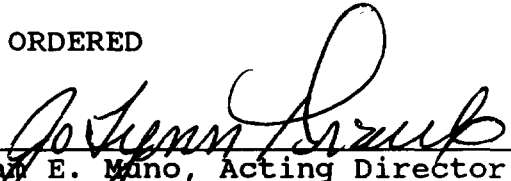
**XV. SEVERABILITY**

If a court issues an order that invalidates any provision of this Order or finds that Respondents have sufficient cause not to comply with one or more provisions of this Order, Respondents shall remain bound to comply with all provisions of this Order not invalidated by the court's order.

**XVI. EFFECTIVE DATE**

This Order shall be effective 10 business days following issuance unless a conference is requested as provided herein. If a conference is requested, this Order shall be effective 5 business days after the day of the conference.

IT IS SO ORDERED

BY:   
William E. Muno, Acting Director  
Waste Management Division  
United States  
Environmental Protection Agency  
Region V

DATE: 2/3/93

# ATTACHMENT I

## INDEX TO THE ADMINISTRATIVE RECORD GENERAL DIE CASTING SITE DETROIT, MICHIGAN

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11/01/90	Gabriel Labs	Stenzel, M. MDNR	Remedial Closure report correspondence	2
11/27/90	Oyinsan, D. MDNR	Shirley, D. General Die Casting	Denial of closure correspondence	2
12/20/90	Stenzel, M. MDNR	File	Incident Notification report	2
01/09/91	Marsh, D. MacDonald & Goren	Stenzel, M. Bowlus, R.	Correspondence with deed documents	8
01/15/91	Bowden, R. U.S. EPA	Recipients	General Notice of Potential Liability	7
01/18/91	Langer, H.	U.S. EPA	Site Assessment Report	10
02/21/91	Andrews, F. Miller, Canfield, Paddock, & Stone	Beasley, L. U.S. EPA EERB	Response to General Notice Letter	2
03/25/92	Langer, H. E&E, TAT	U.S. EPA	Site Re-Assessment & Analytical results	65
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## LIABILITY FILE INDEX

1. Title Search; February 5, 1991, and April 2, 1991; 84 pages.
2. Michigan Department of Natural Resources Complaint Investigation Activity Report; December 19, 1990; 34 pages.
3. Closing Book from the sale of General Die Casting Company to William Aikens; January 11, 1989; 84 pages.
4. General Die Casting Company's response to U.S. EPA's Notice of Potential Liability; January 28, 1991; 8 pages.
5. General Die Casting Company's response to U.S. EPA's CERCLA Section 104(e) Information Requests; August 24, 1991; 131 pages.
6. Site Assessment Report; March 25, 1992; 60 pages.
7. Letter regarding William Aikens involvement at the General Die Casting Company Site; May 19, 1992; 12 pages.
8. Noranda's response to U.S. EPA's CERCLA Section 104(e) Information Requests; September 27, 1991; 37 pages.
9. William Aikens' response to U.S. EPA's CERCLA Section 104(e) Information Requests; July 1, 1992; 24 pages.